

## Burlington Development Review Board

149 Church Street, City Hall  
Burlington, VT 05401

[www.burlingtonvt.gov/pz/drb](http://www.burlingtonvt.gov/pz/drb)

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Austin Hart  
Michael Long  
Jonathan Stevens  
Brad Rabinowitz  
Missa Aloisi  
Israel Smith  
A. J. LaRosa  
Alexandra Zipparo (Alt.)  
Jim Drummond (Alt.)



### **BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday, June 02, 2015, 5:00 p.m. Contois Auditorium, City Hall, 149 Church Street, Burlington, VT Minutes**

**Board Members Present:** Missa Aliosi, Austin Hart, Jonathan Stevens, Israel Smith, A.J.LaRosa,  
Alexandra Zipparo

**Staff Members Present:** Ken Lerner, Scott Gustin, Mary O'Neil, and Anita Weber  
Meeting commenced at 5:02pm

**I. Agenda;**  
No changes to agenda.

**II. Communications;**

Memo from Code Enforcement requesting reopening and reconsideration of 15-0830AP  
18-20 Weston St.

A.Hart; said he participated on hearing but not deliberation regarding this.  
J.Stevens; asks Bill Ward from Code Enforcement about photos and that the parking space was not stamped approved from former zoning administrator; south border shows 4 parking spaces; deliberative hearing discussion was about parking on south side; and specific number of spaces; mentioned the conflict;  
J.Stevens; restated there was an increase in lot coverage and that would be violation except that additional parking had been occurring for more than 15 years; this would be a violation without a permit; need to know how much parking is available  
B.Ward; said it was necessary to know about the existing parking spaces  
B.Rabinowitz; asked if they submitted a site plan  
K.Lerner; said there are no findings to make a decision on this  
M.Aloisi; mentioned a site plan was submitted  
K.Lerner; said that the plan did not indicate this was what they were going to use  
I.Smith; asked for clarification from B.Ward  
B.Ward; agreed  
B.Rabinowitz; questioned if this was mentioned at the previous hearing  
J.Stevens; questioned lot coverage  
M.Aloisi; it is not clearly indicated  
A.Hart; willing to provide clarification and if there is evidence on file or needs to reopen the public hearing;  
I.Smith; asked for further clarification and whether aials would be helpful  
A.Hart; asked to define opening of hearing  
M.Aloisi; said know more need to know more about previous parking  
A.Hart; said the burden of proof is on the owner  
K.Sturvyant; agreed with this statement  
J.Stevens; the plan needs to show dimensions of lot  
A.J.LaRosa; asked what existed prior with the parking  
I.Smith; said he didn't want to make judgment on prior plan  
K.Sturvyant; claimed the argument was lost due to a discontinuance of parking  
J.Stevens; needs to identify the current pattern of parking  
K.Sturvyant; the pattern demonstrates a continuance of parking

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A.Hart; said the Board would like to obtain clarification  
A.Hart; Motioned to grant request for consideration and reopening of the hearing defining the scope and boundaries used for 15yrs.  
J.Stevens; seconded motion.  
B.Rabinowitz; questioned the reasoning for the open hearing  
J.Stevens; said the burden is on appellant  
A.Hart; asked Board to modify motion to limit hearing only to new evidence concerning parking for past 15 years  
J.Stevens; seconded the motion  
I.Smith; questioned whether aerial photos were in public records  
A.Hart: asked Code Enforcement to provide clear and relevant records

Motion 5-2-0  
Closed Discussion at 5:23pm

### **III. Minutes;**

Mary O'Neil mentioned that the draft minutes were accidentally left out of the packets and were given out as handouts.

### **IV. Public Hearing**

#### **1. 15-0938SD; 380 Colcheser Av (RL, Ward 1E) Nathaniel Hayward**

Combined preliminary/final plat review of 3 lot subdivision and conversion and duplex to triplex and related site improvements. (Project Manager, Scott Gustin)

Swearing in at 5:23pm of applicants

Kevin Wardon, Mark DeCrescente and Nate Hayward presented.

K.Wardon; said he met with Staff, Conservation Committee and Design Review Board to incorporate comments into plan

A.Hart; commented on the complete application and good response to comments; said he was appreciative of the complete application

K.Wardon; spoke about the conversion from duplex to triplex and 3 lot subdivision; said the application specifically set aside undevelopable area for conservation, curb cuts, storm water and rain gardens providing; mentioned house changes, elevation changes, 3 car spaces an addition in rear and grade change between two driveways.

A.Hart; asked staff about biocontrol discussions and rainwater basins

K.Wardon; said there would be a series of swales; vegetation and plantings are intended to promote filtration; diagrammatic illustrates what will be done

J.Steven; asked about the two driveways curve and hill; asked about an evaluation of the site lines and if both driveways have good site line view;

K.Wardon; said he evaluated the driveways and found the board curve offers a good view form both directions

S.Bushor, Ward 1 City Councilor, requested information on B.Ward's communication;

Noticed DAB requested five additional trees, but applicant able to save only two;

Requests trees be replaced due to steep site/slope and cumulative impact on the bank

A.Hart; questioned if it was possible to place trees to stabilize area?

S.Bushor, Ward 1 City Councilor, mentioned the access to circular drives and access to drive out to Colchester was important; mentioned that Engineering Ventures recommended feasibility rates and conditions to reflect this. She is supportive of the project and additional unit.

R.Johnson; said as a neighbor said Nate does a quality job; finds the driveway line of sight sufficient; supports the application

B.Rabinowitz; questions where Sharon got her information

S.Bushor. Ward 1 City Councilor, said she obtained her information from the DRB packet  
A.Hart; asked if the trees could be saved and the offer was still on the table;  
K.Wardon; may able to place a street tree that wouldn't impact street view and hold the bank for Lot 1 or 3;  
A.Hart; had further questions on parking, infiltration, and whether these issues can be addressed  
K.Wardon; confirmed this would be possible  
J.Stevens; had questions about Hillside Ave  
K.Wardon; spoke to applicant early on about mitigating steep slopes; remove loading and sculpt to reduce load; erosion factors will be treated with rainwater gardens and maintenance of a vegetative bank.  
Public hearing was closed at 5:44pm

**2. 15-0955CA; 27 Fletcher Place (I, Ward 1) Edward Von Turkovich**

Appeal of zoning permit to change use from single family residential to duplex and modify two existing windows. (Project Manager, Ken Lerner)

AHart; noted a correction to be made for address on 27 Fletcher should be Place not Ave.

Swearing in at 5:45pm

K.Lerner; commented the permit receiving administrative approval for duplex with 2 parking spaces per unit with a total of 4 required, which are provided; use is compliant since no changes within building; correction was made on parking spaces to reconfigure parking spaces; recommendation for walkway to main house.

J.Stevens; questioned if it is residence only

F.von Turkovich; spoke to the need for a permit to park on street; not clear about parking requirements for a duplex

A.Hart; questioned the number of parking spaces and locations;

F.von Turkovich; said parking used is in gravel area and some storage

K.Lerner; said approval would allow for maximum parking

J.Stevens; asked a procedural question concerning conditional approval

L.Shelkrot; at 31 Fletcher Place appealed on several grounds;

Parking: site plan indicates 4 additional parking but dimensions were not clear; not aware of dimensions of the gravel area which is significant due to maximum parking; additional paving needs to be addressed and if nonconforming use sits close to setback; Thought nonconforming uses had to go to Design Review; access from Fletcher to Colchester was not clear around path and limited to foot traffic; concerns about proximity of house and intensity of use; potential 8 adults living in house 15 to 20 feet away from 31 Fletcher; carport w/in 3 feet of property line.

Requests occupancy limits, since very close to neighbors.

J.Stevens; questioned parking area and expansion of lot coverage without permit

L.Shelkrot; was not sure which parking area could provide a total of 6 parking places

Staff comments suggest 2 or 3 parking spaces, but do not have enough information to make a determination.

J.Stevens; asked if it is seen as a cut through

L.Shelkrot; mentioned that the Trinity campus may be convenient cut through;

The condition of parking and buildings need clarification

SBushor, Ward 1, City Councilor said the appeal for Fletcher Place is residential only;

Parking is in such demand on street and doesn't feel the street should become parking lot for residents and feels strongly about trying to understand the competing needs for land; concerns about how this will turn out; does not want to see spaces double counted; need photos shows on how small street actually is; not intensely used; added there is small amount of square feet; and potential double dipping of parking;

K.Lerner; doesn't count on-street parking; functional family doesn't count; spoke of the closeness of carport and permit for 1968 allowance for 3' from property;  
 F.von Turkovich; does have mix of single and multiple family; reason for this is that Fletcher Place was a single family, but the decision was to rent to UVM students and therefore conversion went to duplex unit  
 A.Hart; questioned how many bedrooms  
 F.vonTurkovich; said there were two bedrooms each unit; parking proposal was to put parking in back lot, though not sure if gets used. Would consider making a smaller lot  
 K.Lerner; said it requires 4 minimum spaces and 5 maximum  
 A.Hart; asked if spaces were too far away. Encourages on-site parking  
 K.von Turkovich; said the parking is fine for outback  
 A.Hart; had questions about area  
 F.vonTurkovich; said the distance was 75 ft. walk to area and if heavily used would require maintenance; larger plan incorporates this and would not affect the outcome of lot coverage, being an economic solution for now  
 K.Lerner; confirmed that parking is 75 ft. away from house  
 Public hearing was closed at 6:13pm

## **V. Certificate of Appropriateness**

### **1. 15-1000CA; 170 Carrigan Dr (I, Ward 1E) Redstone / University of Vermont**

Construction of two UVM undergraduate dorms with dining facility and related site improvements. (Project Manager, Mary O'Neil)

AHart and ALaRosa recused themselves from discussion on this project.

A.Hart; mentioned that input was sought.

from City Council on draft and additions pertaining to this project;  
 there may be changes at deliberation session.

J.Stevens; opened hearing asking if there were addition or changes;

M.Aloisi; disclosed that she does not have to recuse

Swearing was at 6:16pm

L.Ravin; presented the campus development of student housing; said all staff recommendations were accepted and that UVM was willing to remove 9 spaces from access road and the access road;

J.Stevens; said it is rare that parking is asked to be removed and finds this acceptable

LRavin; said this was an culmination of UVM, 699 student beds, to improve facilities for first year residents

E.Hoekstra; presented site overview of plan and existing conditions at present time

J.Stevens; explained the relationship of Redstone and UVM and asked if there were differing interests

E.Hoekstra; said UVM is building and managing project; Redstone is consultant only;

Proposing an expansion of two buildings for residential dorms with a dining area in basement of one building; green roof on building with dining area; has short term bike parking and long term bike sheds;

Extension of green mountain walkway; new plantings; site requirements are met; displayed photos on screen; elevations and height wise all within scale; compliance with 180 parking proposed; short term beyond minimum 50; breakdown of bed counts; 695 student beds and staff additional 4; occupancy of Fall of 2017

J.Stevens; limited by scope of review; Redstone is listed as applicant and can only be UVM not Redstone;

E.Hoekstra; this would apply as Redstone project;

M.ONeil; requested the city attorney's response

K.Lerner; reminded that permit runs with land

M.ONeil; falls within operational university standard

J.Stevens; different relationship on earlier units  
 E.Hoekstra; said Redstone is the owner and operator of those previous units  
 A.Zipparo; questioned the accessible parking area being included in the nine  
 E.Hoekstra; said the nine goes away, shows where accessible parking will go  
 A.Zipparo; mentioned concern about people with mobility needs  
 L.Ravin; said plan would need to meet accessible needs  
 A.Zipparo; asked if short term spaces were covered  
 E.Hoekstra; said long term spaces covered  
 A.Zipparo; said it would be great if short term spaces even though not a requirement  
 Asked if there would be a green roof with food grown on roof  
 E.Hoekstra; said plan cannot sustain the engineering of green roof  
 B.Rabinowitz; mentioned positive aspects of Green MT walkway  
 S.Bushor; City councilor, Ward 1, said she was an employee of UVM medical center and UVM graduate; spoke to the requirement of parking spaces; complimented the bike traffic plan as being thorough; thought even with presentations in Ward the potential request has its limitations; saddened by the decision on Converse Hall recognizing it as a historic jewel it will be dwarfed in size and walled in; the hall won't retain its promenced and uniqueness as a valued restored structure; felt there was a lot of development at the site between the hospital and UVM; expressed the same concern about how vehicles access and leave a site, concern over congestion; asked if UVM's could respond pertaining to August 22<sup>nd</sup> and Labor Day traffic when it will be gridlocked with returning students and construction vehicles; thought lessening the intensity of roadways should be talked about and understood more with various competing needs;  
 J.Stevens; said there should be a clarification of traffic needs  
 S.Bushor; agrees about the traffic needs suggesting the conditions of approval provide that level of detail  
 B.Rabinowitz; asked about the number of handicap spaces  
 L.Ravin; said UVM was treating it as is needed  
 E.Hoekstra; said it was not typical for spaces to be provided  
 A.Zipparo; thought that does UVM provide access for handicap needs  
 L.Ravin; said it must provide for accommodations for students  
 A.Zipparo; questions if UVM provides for special needs students  
 K.Lerner; asked about the location of spaces  
 L.Ravin; stated UVM can do so as needed  
 K.Lerner; thought it could be accommodated  
 E.Hoekstra; said there is no ADA requirement since we are talking about 1<sup>st</sup> year students and not allowed to drive at UVM; also up to UVM to management  
 M.ONeil; said there has to be a standard; this is strictly building requirement not zoning; grateful some are in close proximity; mentioned it was not always obvious when access is necessary; expressed concern over with blanket statement that there doesn't have to be any; there needs to be a review of ADA rules  
 I.Smith; would like to know more about ADA and VT State rules; accepts all staff conditions  
 E.Hoekstra; that issue needs to be reviewed by DPW and if there needs to be accommodations, they will do so  
 M.ONeil; spoke to the fact there is no breakdown, no exceptions; noted adjacent lot has a grade change  
 E.Hoekstra; said he would modify to see about closer spaces and may add back the nine spaces and if that would work with DPW  
 J.Stevens; addressed elevation and blockage of view corridors; asked what view corridors are blocked; questions about viewpoint of Converse Hall  
 E.Hoekstra; said he would go over photos for viewpoints and of Converse Hall; mentioned UVM had historic preservation person and state level person view the project stating there were no objections  
 S.Bushor; questioned if applicant could respond to construction vehicle trips and routes  
 E.Hoekstra; said the construction access for all traffic will enter and depart from Carrigan Drive and coordinate with Stem

J.Stevens; asked if this agreement was on file  
L.Ravin; felt there was a plan regarding egress and ingress of traffic  
J.Stevens; questions staff about conditions  
M.ONeil; said as project manager for UVM medical center she was not aware of any conditions; said Board could make it a condition  
J.Stevens; asked if a plan was on file  
L.Ravin; said one was submitted with the STEM project  
Public hearing closed at 6:57pm  
Meeting then adjourned.

Deliberation Session will be held at 5:00pm next Monday, June 8, 2015.

**VI. Other Business**

**VII. Adjournment**

\_\_\_\_\_  
A.Hart, Chair, Development Review Board

\_\_\_\_\_  
Date

\_\_\_\_\_  
Anita Wade, Zoning Clerk

\_\_\_\_\_  
Date

Applications and Plans may be viewed in the Planning and Zoning office, (City Hall, First Floor, 149 Church Street, Burlington), between the hours of 8:00 a.m. and 4:30 p.m.

All staff comments, plans and supporting documents will be available on the Planning and Zoning website at: [www.burlingtonvt.gov/pz/drb/agendas](http://www.burlingtonvt.gov/pz/drb/agendas) approximately one week before the hearing.

Participation in the DRB proceeding is a prerequisite to the right to take any subsequent appeal. Please note that ANYTHING submitted to the Planning and Zoning office and Development Review Board is considered public and cannot be kept confidential.

This agenda is distributed to: adjacent property owners of projects before the Development Review Board, Neighborhood Planning Assemblies, City Councilors, City Departments and interested parties. You may direct written comments to the Planning and Zoning Department, at the above address. Inquiries may be made by calling 865-7188. Oral comments may be given at the meeting by any persons on any project listed on the Agenda.